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FILED

JUN 21 2022

ANGIE SPARKS, Clerk of District Court
By MARY M GOYINS Clerk

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS & CLARK
COUNTY

CHARLES DEWITT,

Plaintiffs,

vs.

BEST BUY STORES, L.P. d/b/a BEST
BUY; RFA Brands, LLC, d/b/a RFA
Brands and DOES AND ROES 1
through 10,

Defendants.

Case No.: COV 2022-495

KATHY SEELEY
Presiding Judge

COMPLAINT
AND
DEMAND FOR JURY TRIAL

Plaintiff Charles DeWitt states in this Complaint against the Defendants as follows:

INTRODUCTION

1. This complaint sets forth claims of negligence and strict products liability against Defendants Best Buy Stores, L.P., ("Best Buy"), and RFA Brands, LLC ("RFA Brands"). These claims are based upon the fact that Charles DeWitt sustained substantial and permanent personal injuries when a defective RFA Brands Powerbank USB charger, manufactured by RFA Brands, and sold by Best Buy which exploded in his face and nearly burnt his house down.

PARTIES

2. At all relevant times, Charles DeWitt is a resident of Lewis and Clark County, State of Montana.

3. Best Buy is a retail store that sells electronic products, including the RFA Brands unit at issue in this case. The RFA Brands, myCharge unit at issue in this lawsuit (hereinafter "*myCharge unit*") was purchased by Plaintiff at a Best Buy store. Best Buy has retail stores across Montana.

4. To the best of Plaintiff's knowledge and belief, Best Buy Corporate Headquarters is located at 7601 Penn Ave S, Richfield, MN 55423. With its registered agent for service of process identified as C.T. Corporation System Inc., 100 South 5th Street, Ste. 1075, Minneapolis, MN 55402.

5. RFA Brands is the company that manufactures and distributes to retail stores the RFA Brands electrical and electric goods, including the *myCharge unit* in this case. RFA Brands owns, manufactures, markets and sells the Products throughout the United States, including selling products in Montana.

6. To the best of Plaintiff's knowledge and belief, RFA Brands is organized under the laws of the State of Delaware and has its principal place of business in Birmingham, Michigan. Corporate Headquarters are located at 7115 Orchard Lake Rd, Suite 430, with the registered agent named as Michelle Bain.

7. Defendants Does and Roes 1-10 are presently unidentified individuals and/or entities whose negligence or other tortious conduct caused or contributed to Plaintiffs' damages alleged herein.

8. The State of Montana is the jurisdiction with the most significant relationship to the occurrence and the parties and, therefore, Montana law is applicable.

FACTS PERTAINING TO ALL COUNTS

9. The *myCharge* unit was manufactured by RFA Brands. The model number listed on the bottom of the unit is AVC20KG-A (Ex. A).

10. The RFA Brands unit was purchased by Plaintiff at Best Buy on July 8, 2019.

11. This RFA Brands unit was part of a national recall issued on October 27, 2021 by the United States Consumer Product Safety Commission. (Ex. C). The title of the recall is: "myCharge Recalls Powerbanks Due to Fire and Burn Hazards."

12. RFA Brands.com also posted on its website this same recall notice regarding the RFA Brands myCharge device at issue in this case. (Ex. D).

13. The recall notice stated (Ex. D):

Hazard:

The powerbank's lithium-ion battery can overheat and ignite, posing fire and burn hazards.

Incidents/Injuries:

myCharge has received 30 reports of the powerbanks overheating, resulting in seven injuries, including burns to the upper body, hands, legs, and/or feet of users, and/or property damage to household flooring, walls and furniture.

14. The notice also stated that the products were sold at Best Buy stores.

15. Plaintiff he was never informed of the recall notice or the danger that the device presented to him.

16. On 11/15/2021 Plaintiff was sitting on his bed with his phone plugged into the *myCharge* unit. The device was not plugged into the wall. Suddenly and

without notice the device started shooting sparks and fire streaks out of the side and then flew up into the air like a firework and spun around and around.

17. Plaintiff's wife ran from the bedroom and grabbed their infant child and ran outside to safety.

18. The device burned a hole in the bed and bedspread and sheets.

19. Plaintiff somehow threw the burning, flaming fireball of a defective battery device to the ground where it proceeded to burn into the floor and damage the walls.

20. The room filled with smoke and Plaintiff was able to extinguish the device with a fire extinguisher.

21. Eventually the fire department arrived, and Plaintiff was given oxygen treatment for smoke and chemical inhalation at the scene. He then went to the hospital where he sought further treatment.

22. As a result of the failure to warn and the defects in the battery unit, Plaintiff sustained substantial permanent injuries, including but not limited to physical injuries and mental and emotional distress. In addition, he had extensive property damage of his house.

COUNT I: STRICT PRODUCT LIABILITY AS AGAINST BEST BUY AND RFA BRANDS

23. All preceding paragraphs are incorporated by this reference.

24. Best Buy and RFA Brands were "sellers" of a product, as contemplated by Mont. Code Ann. § 27-1-719(1) and (2)(a).

25. Best Buy and RFA Brands sold a product, i.e. the *myCharge* unit in this case, in a defective condition unreasonably dangerous to a foreseeable user, Plaintiff DeWitt.

26. The product was expected to and did reach the user, the Plaintiff, without substantial change in the condition in which it was manufactured.

27. The product was expected to and did reach the user, the Plaintiff, without substantial change in the condition in which it was sold, at all levels of the chain of distribution.

28. The product was defectively designed, manufactured, and/or the warnings were deficient.

29. As a direct and proximate cause of product's defect, Plaintiff was severely and permanently injured and his home damaged, and entire family put at risk.

30. Best Buy and RFA Brands are strictly liable to Plaintiff for all damages proximately caused by the battery pack defects.

COUNT II: NEGLIGENCE AS AGAINST RFA BRANDS

31. All previous paragraphs are incorporated by this reference.

32. RFA Brands had a general duty to act as a reasonably prudent as the manufacturer and distributor of the *myCharge unit* in this case and conduct its business in a way that immediately warned customers of defects to its products so that consumers do not get injured.

33. The battery pack, which contained toxic and flammable chemicals, and which can spontaneously combust for no apparent reason has the potential for significant danger and thus the concordant duties upon RFA Brands are high, commensurate with the risk of harm posed by the *myCharge unit*.

34. RFA Brands breached its duty of care when it provided faulty battery pack, knew of the dangers it posed to the purchasers and then failed to immediately warn of the danger that existed that ultimately injured Plaintiff.

35. The *myCharge unit* at issue in this case also did not have a "Date Code" on it as is mentioned in the recall, so even if they had informed Plaintiff, the device sold to him had no Date Code to cross-reference with the recall.

36. RFA Brands breached its duty of care when it failed to warn Plaintiff of the dangers the *myCharge unit* posed and to make sure users, like Plaintiff, immediately stopped using the device.

37. As a direct and proximate result of RFA Brands's negligence, Plaintiff was severely and permanently injured, and his home damaged and entire family put at risk.

COUNT III: NEGLIGENCE AS AGAINST THE BEST BUY

38. All preceding paragraphs are incorporated by this reference.

39. Best Buy has a general duty to act as a reasonably prudent seller of products in the manner in which it conducts its business.

40. Best Buy knew who purchased the product.

41. Best Buy also likely had immediate access to its retail products sold database showing purchasers of products and could have cross-reference the product with the purchasers.

42. Best Buy failed to issue immediate notice of the recall and immediately notified Plaintiff and other users of the recall and to stop using the product.

43. Best Buy breached its duty when it failed to warn Plaintiff that the *myCharge unit* was unduly hazardous to the intended user.

44. Best Buy breached its duty by failing to warn the intended users of the dangers associated with product and to instruct the users to not use the product further due to these dangers.

45. Best Buy breached its duty when it failed to communicate with its purchasers of the product, i.e. the Plaintiff, regarding the dangers.

46. As a direct and proximate cause of Best Buy's breach, Plaintiff was severely and permanently injured, and his home damaged and entire family put at risk.

COUNT IV: RESERVATION OF CLAIMS


47. Plaintiff, DeWitt, reserves all rights to amend this complaint for any and all causes of action against the Best Buy and RFA Brands as may be discovered during the litigation in this matter. Plaintiff further reserves the right to assert additional claims against unknown and potential defendants Does and Roes 1-10 for any tortious conduct that may have caused, in whole or in part, Plaintiff's injuries.

NOW WHEREFORE, Plaintiff prays for all general, special, and compensatory damages proximately caused by the tortious conduct described herein and for all other relief deemed just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury for all issues so triable.

DATED this 70th day of June, 2022.


Keif Storiar
Attorneys for Plaintiff

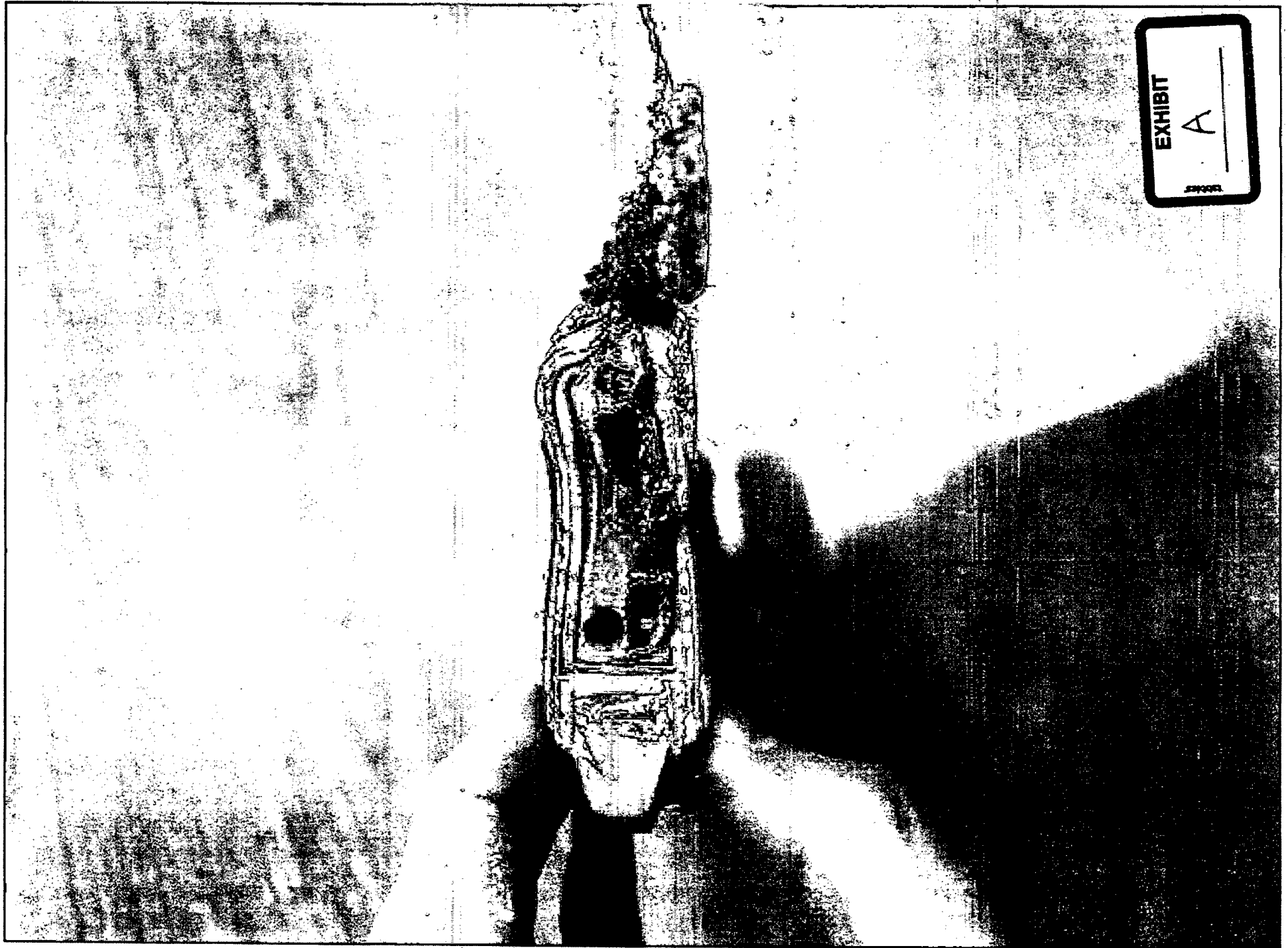
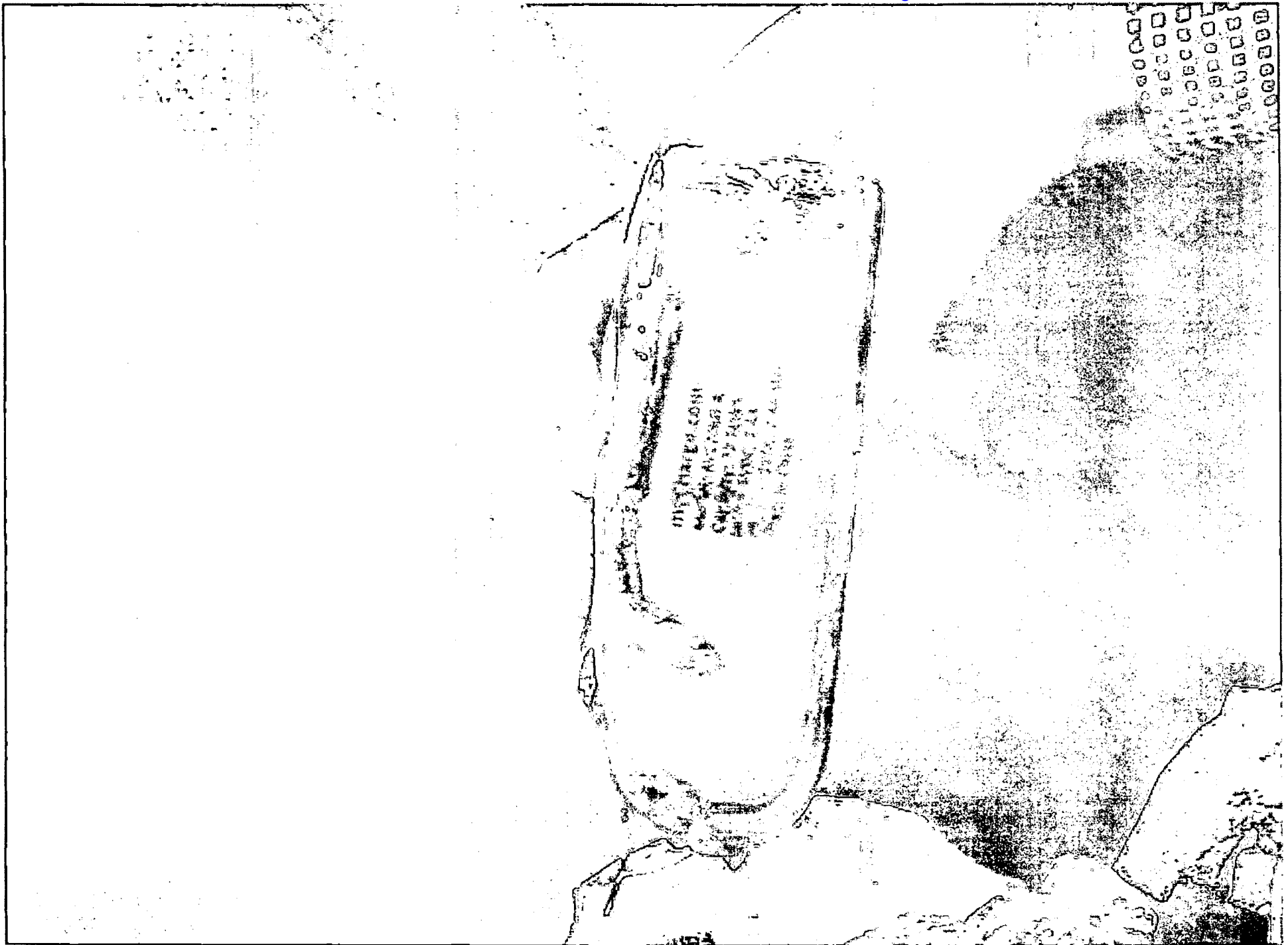
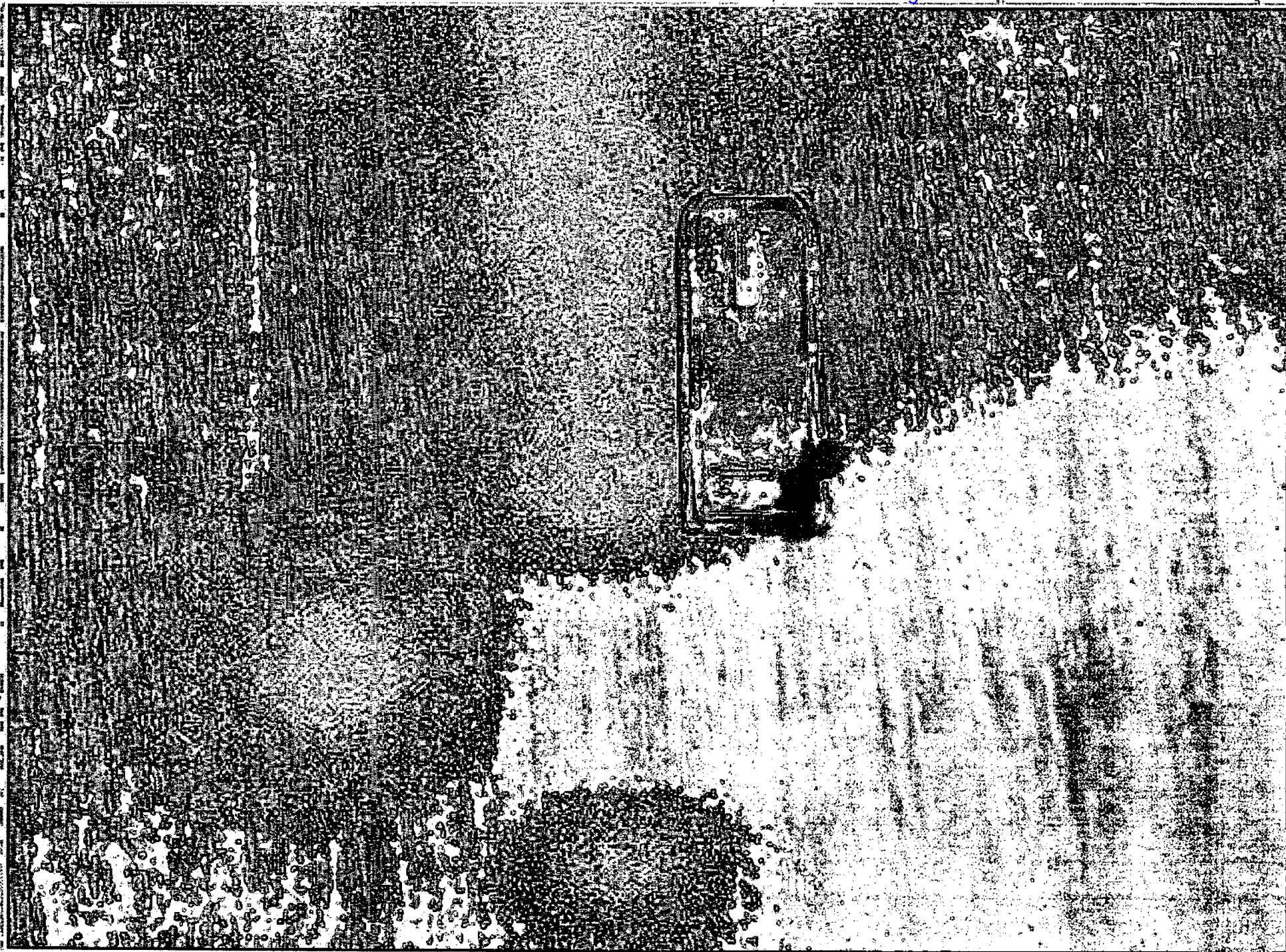




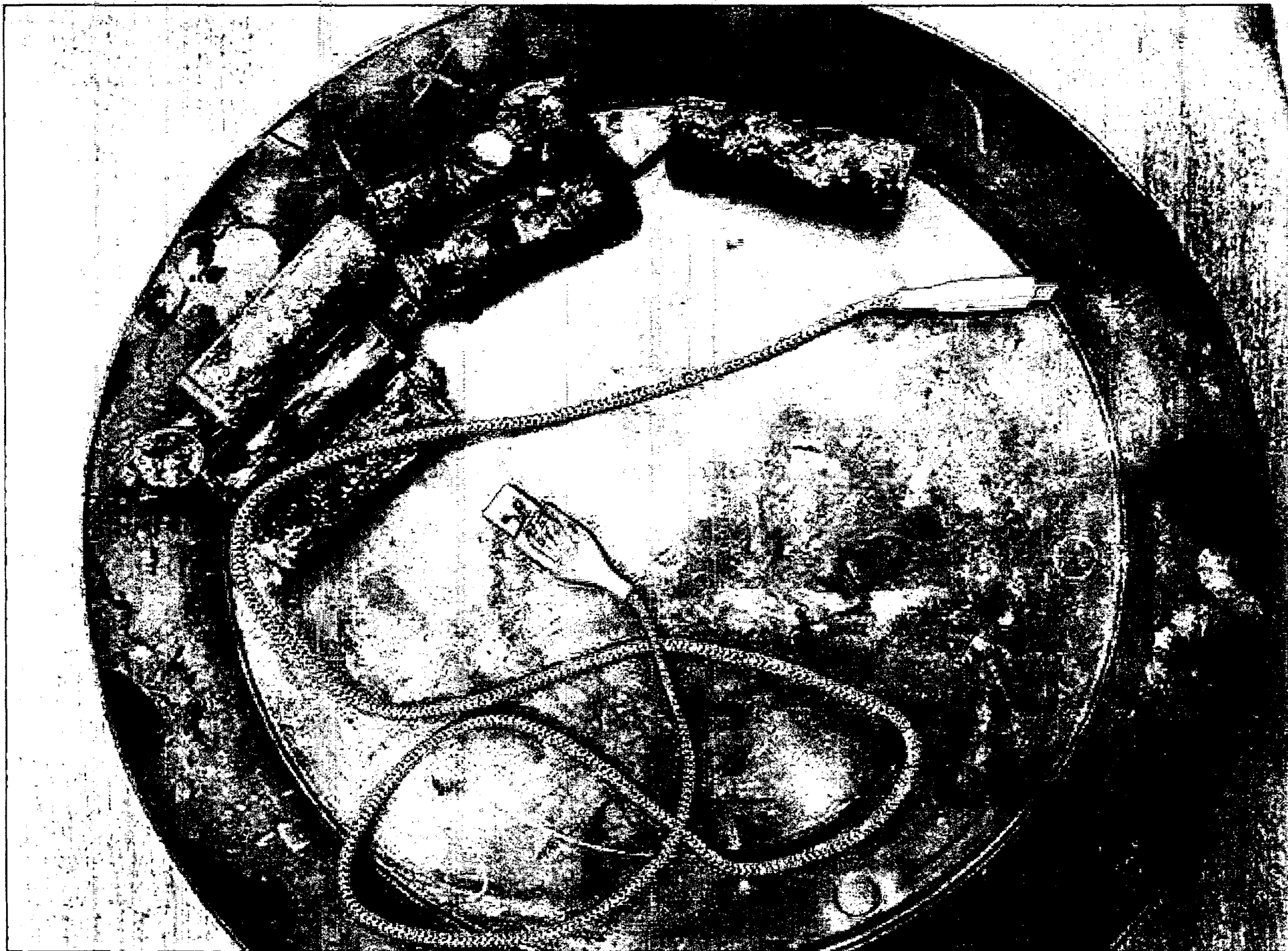
Exhibit A













12/6/21 7:53 PM

Gmail - Your Best Buy receipt



K 24A2 <dewittchu1990@gmail.com>

Your Best Buy receipt.

Best Buy <BestBuyInfo@emailinfo.bestbuy.com>

Tue, Nov 30, 2021 at 6:21 PM

Reply-To: Best Buy <reply-1182236-41_HTML-316911224-97381-20388@emailinfo2.bestbuy.com>

To: [REDACTED]

Please keep this email for your records.

View: Web



Thank you for shopping at Best Buy®.

Thank you for requesting an email copy of your receipt. The details of your purchase are below.

Keep this email for your records. If you need to make a return or exchange, please review our [Return and Exchange Policy](#).

We appreciate your business and look forward to seeing you again soon.

Sincerely,

Your Customer Care Team



Your Best Buy Receipt

Keep for your records

***** Duplicate Receipt *****

***** START RECEIPT *****		
Welcome to Best Buy #366		
4102 S. MERIDIAN		
PUYALLUP, WA 98373		
Val: 000009-427449-933448-788287-165884-41753		
0366 004 1579 07/08/19 15:08		
6346823	SDSQUB3-256	54.99
SANDISK 256GB SDXC ULTRA PLUS		
94.99 Was Price		



12/6/21 7:53 PM

(Gmail) - Your Best Buy receipt

40.00 Sale Discount
 Sales Tax 5.44
 6210904 DIGITAL ITE 0.00
 \$25 SHUTTERFLY OR 8X8 BOOK PR
 Sales Tax 0.00
 6276713 AVC20KG 79.99
 MYCHG ADV 20K MAH BATT 2 PRT
 Sales Tax 7.92
 Subtotal 134.98
 Sales Tax 13.36
 Total 148.34

*****6397 ChipRead USD\$ 148.34
 Debit DEBIT
 DEWITT/CHARLES
 Approval 472526
 Verified By PIN

CARD ENTRY: Chip
 MODE: Issuer
 AID: A0000000042203
 Reference Number: 4415081508556

Other Savings: 40.00
 Total Savings: 40.00

My Best Buy
 Member ID: 3777301097

Thanks for purchasing a Shutterfly product
 from Best Buy!

Your Shutterfly product purchased is:
 \$25 SHUTTERFLY OR 8X8 BOOK PROMOTION POB
 Below is your activation code:

The activation code will also be emailed to
 EMAIL

To redeem your code visit
<http://bestbuy.shutterfly.com/>

Follow the emailed instructions to complete
 the activation process. If any issues occur
 receiving the email or while redeeming the
 code, please contact us at
 1-888-BEST BUY(1-888-237-8289).

NO RETURNS OR EXCHANGES WILL BE ACCEPTED
 ON DIGITAL PRODUCTS.

CHARLES,

Thanks for shopping at Best Buy today!
 Your My Best Buy balance as of 07/07/2019
 posted points: 221
 Go to BestBuy.com for more info:

Devices that can be activated and cell
 phones have a 14-day return policy
 year-round for all customers. Major
 appliances have a 15-day return policy.

12/6/21 7:53 PM

Gmail - Your Best Buy receipt

for all customers: 15-day return policy
on almost everything else.

Restocking fee applies on select items

A valid receipt is required for all returns.
Except where prohibited, we may request an
ID. ID info may be stored in a secure,
encrypted database used for
tracking returns and exchanges.

Returned items missing accessories are
subject to a missing part fee. Best Buy
reserves the right to deny any return.

For return policy details and a complete
list of exceptions, ask for a policy
brochure or go to www.BestBuy.com>Returns.

Best Buy is not responsible for any
personal data left on a returned item.

To learn about our privacy practices
please visit www.BestBuy.com/privacy.

Your Customer Service PIN is:
0366 004 1579 070819

For Electronics Recycling:
1-800-RECYCLE
www.ecyclewashington.org

***** END RECEIPT *****
=====

BEST BUY | **Total Tech Support**
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All the time.**

Total Tech Support
Help with all your tech
no matter where you bought it.

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the Day.**

A great deal, every day

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[Deal of the Day](#)

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[Credit Cards](#)

[Customer Service](#)

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EXPERT SERVICE. UNBEATABLE PRICE.

*See Price Match Details in store or online at [BestBuy.com/PMC](#).

TOTAL TECH SUPPORT:

*Total Tech Support membership is subject to complete Terms and Conditions. A My Best Buy® account is required, subject to the My Best Buy Program Terms.

Best Buy 7601 Penn Avenue South, Richfield, MN 55423-3645

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6/17/22 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards | CPSC.gov



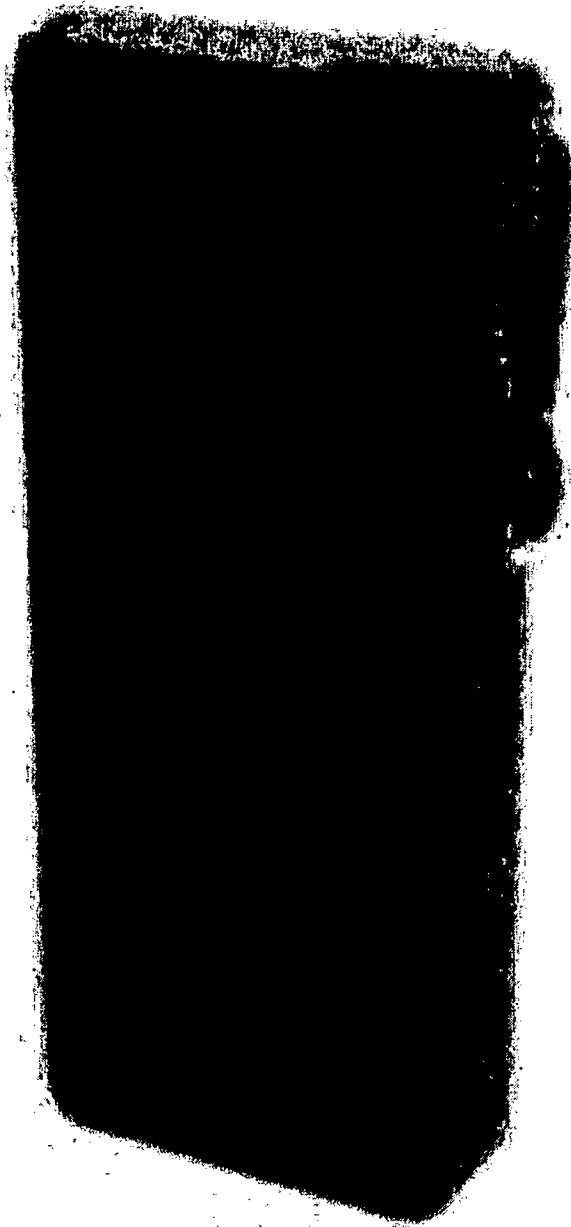
United States
**CONSUMER PRODUCT
SAFETY COMMISSION**

myCharge Recalls Powerbanks Due to Fire and Burn Hazards

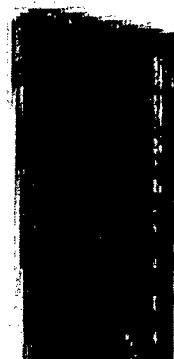
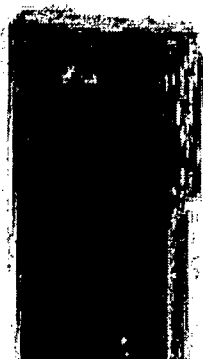
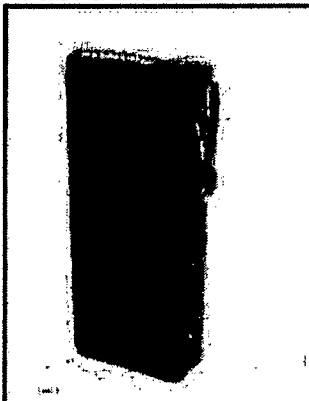


6/17/22, 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards | CPSC.gov



Recalled myCharge Adventure Mega



6/17/22 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards | CPSC.gov

Name of Product:

myCharge powerbanks

Hazard:

The powerbank's lithium-ion battery can overheat and ignite, posing fire and burn hazards.

Remedy:

Refund

Recall Date:

October 27, 2021

Units:

67,000

Consumer Contact

6/17/22 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards | CPSC.gov

myCharge toll-free at 888-251-2026 from 9 a.m. to 4 p.m. ET Monday through Friday, email at compliance@mycharge.com, or online at <https://mycharge.com/pages/productsafety> or www.mycharge.com and click on "PRODUCT SAFETY" at the bottom of the page for more information.

6/17/22 3:12 PM

myCharge Recalls: Powerbanks Due to Fire and Burn Hazards | CPSC.gov

Recall Details

Description:

This recall involves seven models of myCharge powerbanks used for powering and recharging electronic devices that have a USB interface, such as tablets, cell phones, Bluetooth speakers, e-readers, etc. The powerbanks have an anodized metallic case that is blue, black or gray. "myCharge" is written on the front of the product case. The model name can be found on the back of the product case and on the bottom panel of the product packaging. The date code is printed on the outer packaging and the product case, except for the Adventure Mega and Adventure Mega C models where the date code is printed on the underside of a flap on the top of the product case.

The recalled powerbanks have the following model names, model numbers and date codes:

Model Name	Model Number	Date Codes
myCharge	Model No.	2818, 3718, 4018,
Adventure Mega	AVC20KG-A	or 4518

6/17/22 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards | CPSC.gov

myCharge

Model No.

2818

Adventure Mega

AVCQC20KG-A

C

myCharge Razor

Model No.

3818, 4118, 4418,

Mega

RZ20KK-A

4918, or 1719

myCharge Razor

Model No.

3818

Mega C

RZQC20KK-A

myCharge Razor

Model No.

0319

Super

RZ24NK-A

myCharge Razor

Model No.

3319 or 3519

Super C

RZQC24NK-A

myCharge Razor

Model No.

2818, 3718, or

Xtreme

RZPD26BK-A

3918

Remedy:

6/17/22 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards [CPSC.gov]

Consumers should immediately stop using the recalled powerbanks and contact myCharge for instructions on returning the battery to obtain a refund in the form of an electronic voucher for the full purchase price plus a 25% bonus for redemption on www.mycharge.com.

Incidents/Injuries:

myCharge has received 30 reports of the powerbanks overheating, resulting in seven injuries, including burns to the upper body, hands, legs, and/or feet of users, and/or property damage to household flooring, walls and furniture.

Sold At:

Best Buy, Brainstorm, Hirsch Gifts, Hudson News, InMotion, Lapine, Power Sales, Projector World, and Target stores nationwide and online at www.amazon.com, www.mycharge.com and www.target.com and through the U.S. Marine Corps/Navy Exchange from August 2018 through December 2019 for between \$70 and \$100.

Importer(s):

RFA Brands LLC, d/b/a myCharge, of Birmingham, Mich.

6/17/22, 3:12 PM

myCharge Recalls Powerbanks Due to Fire and Burn Hazards | CPSC.gov

Manufactured In:

China

Recall number:

22-009



This recall was conducted, voluntarily by the company, under CPSC's Fast Track Recall process. Fast Track recalls are initiated by firms, who commit to work with CPSC to quickly announce the recall and remedy to protect consumers.

Product Safety

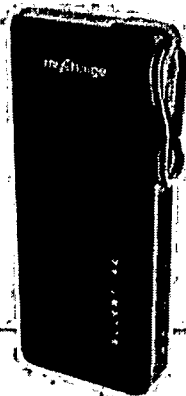
myCharge Powerbank Recall

To view the full recall notice from the Consumer Product Safety Commission, please use the link below:

<https://www.cpsc.gov/Recalls/2022/myCharge-Recalls-Powerbanks-Due-to-Fire-and-Burn-Hazards>

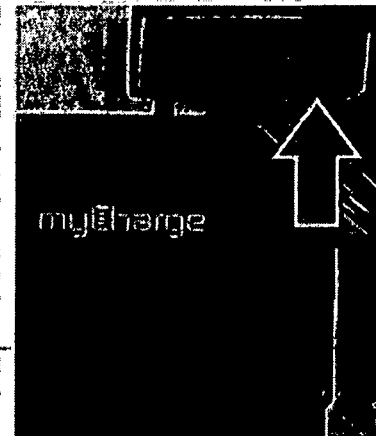
Description: This recall involves seven models of myCharge powerbanks under the Razor and Adventure brand names used for powering and recharging electronic devices that have a USB interface, such as tablets, cell phones, Bluetooth speakers, e-readers, etc. The Razor powerbanks have an anodized metallic case that is blue, black or gray, while the Adventure powerbanks have a rubberized exterior. "myCharge" is written on the front of the product case. The model # of the powerbank is located on the back of the Razor powerbanks and on the bottom of the Adventure powerbanks. The 4-digit date code is printed on the outer packaging (color box) and directly on the product itself. Razor models will have the 4-digit code located on the back of the Razor powerbanks and the Adventure powerbanks will have the 4-digit code under the rubber flap located on the top of the unit. See below for details.

Adventure Series



The Adventure Series date codes can be found underneath the rubber tab on the top of the unit.

If your model and matching date code is not listed below, you are not effected by this recall.



Name:

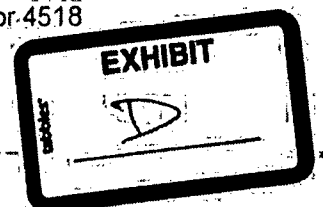
Adventure Mega

Model:

AVC20KG-A

Date Codes Subject to Recall:

2818, 3718, 4018, or 4518

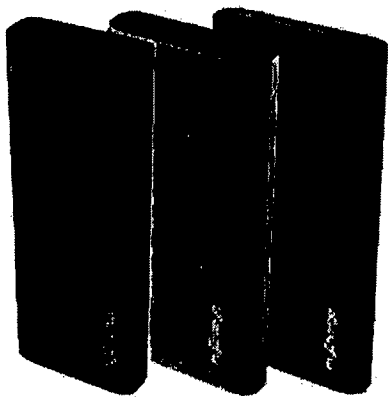


Product Safety - myCharge

Adventure Mega-C

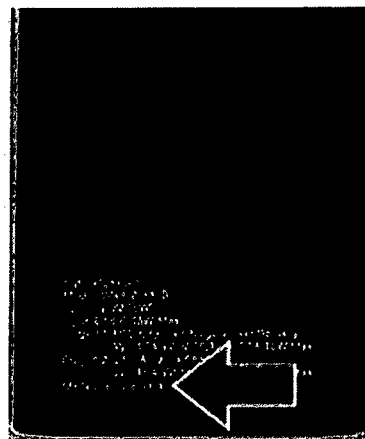
AVCQC20KG-A

2818

Razor Series

The Razor Series date codes can be found on the back of the unit, as the last line printed under manufacturer information.

If your model and matching date code is not listed below, you are not effected by this recall.

**Name:****Model:****Date Codes Subject to Recall:**

Razor Mega

RZ20KK-A

3818, 4118, 4418, 4918, or 1719

Razor Mega-C

RZQC20KK-A

3818

Razor Super

RZ24NK-A

0319

Razor Super C

RZQC24NK-A

3319 or 3519

Razor Xtreme PD

RZPD26BK-A

2818, 3718, or 3918

Sold at: Best Buy, Brainstorm, Hirsch Gifts, Hudson News, InMotion, Lapine, Power Sales, Projector World, and Target stores nationwide and online at www.amazon.com, www.mycharge.com and www.target.com and through the U.S. Marine Corp/Navy Exchange from August 2018 through December 2019 for between \$70 and \$100.

If your myCharge Adventure or Razor powerbank does not contain any of the date codes listed above, then this recall does not apply to you and no further action is required on your part.

If your myCharge Adventure or Razor Powerbank is marked with any of the above-listed date codes - discontinue use of the powerbank immediately and please complete all fields on this form including providing a photo of the actual date code on the powerbank. When completed click SUBMIT and we will contact you to

Product Safety - myCharge

arrange for the return of your powerbank. Please note that upon our receipt of the returned powerbank myCharge will provide you with a full refund of your purchase price plus an additional 25% in the form of an electronic voucher that can be used on www.mycharge.com.

Email *

First Name *

Last Name *

Address *

Address 2

City *

State/Province (No need to create options) *

Select State

NY

Zip Code *

Product Safety - myCharge

Country *

United States

Country Code

Phone Number *

country code(+1)

Product *

Please Select One

To verify that your powerbank is subject to this recall, please upload a picture of your device's date code *

Submit

Keep up with new products and deals!

Enter your email address...

Sign Up

myCharge

Product Safety - myCharge

